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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 SHELLY J. MINNICK,

9 Plaintiff,

10 v.

11 NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

12 Defendant.

Case No. 2:17-cv-00093-BAT

**ORDER GRANTING PLAINTIFF'S
MOTION FOR EAJA FEES**

13 Shelly J. Minnick, the prevailing party in this Social Security disability appeal, moves
14 under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), for an award of attorney's
15 fees of \$7,509.15 and expenses of \$7.20. Dkt. 19. The Commissioner filed no opposition to the
16 motion. The Court **GRANTS** Ms. Minnick's requests for fees and costs.

17 The EAJA authorizes payment of attorney's fees to a prevailing party in an action against
18 the United States, unless the court finds that the government's position on the merits in the
19 litigation was "substantially justified." 28 U.S.C. § 2412(d)(1)(A). Substantial justification
20 requires the government to demonstrate its position had a reasonable basis in both law and fact at
21 each stage of the proceedings, including both the government's litigation position, and the
22 underlying agency action giving rise to the civil action. *Tobeler v. Colvin*, 749 F.3d 830, 832–34
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1 (9th Cir. 2014). The Commissioner has made no such showing and has not objected to the
2 amount of fees requested. The Court has reviewed Ms. Minnick's motion, supporting
3 declaration (Dkt. 91-2), and the record, and finds the amount requested is reasonable. The Court
4 therefore **ORDERS**:

5 Plaintiff's motion for attorney's fees and costs (Dkt. 19) is **GRANTED** and Plaintiff is
6 awarded attorney's fees of \$7,509.15 and costs of \$7.20, for a total award of \$7,516.35. If the
7 EAJA fees are not subject to any offset allowed under the Department of Treasury's Offset
8 Program, then the check should be made payable to Ms. Minnick's attorney, Eitan Kassel
9 Yanich, and mailed to Eitan Kassel Yanich, PLLC, 203 Fourth Avenue E., Suite 321, Olympia,
10 WA. 98501.

11 DATED this 9th day of January, 2018.

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13 BRIAN A. TSUCHIDA
14 United States Magistrate Judge
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